

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

DONTE BERNARD BAKER

Defendant

**CRIMINAL NO. JKB-11-0426
(CIVIL NO. JKB-14-3458)**

MEMORANDUM

Now pending before the Court is the Defendant's *pro se* Motion to Vacate, Set Aside or Correct Sentence (ECF No. 390). The Government has responded to the Motion (ECF No. 392) and the Defendant has replied (ECF No. 396).

The Motion will be denied for the reasons stated in the Government's response (ECF No. 392). Further, as the transcript of the sentencing hearing reveals, the Court was only slightly influenced by the Federal Sentencing Guidelines computation when it determined the sentence. Other factors under 18 U.S.C. §3553(a) were more prominent in the Court's decision, particularly the cruelty with which Ms. Gammon was murdered – shot multiple times and left staggering at the edge of Leakin Park, with bullet wounds that ultimately would take her life hours later at the hospital. Mr. Baker committed a vicious crime and the facts of the case, as discussed during the sentencing hearing, led directly to the sentence that was imposed. A third point subtracted from the Guideline Calculation to reflect additional acceptance of responsibility would have had no effect whatsoever on the sentence because it would not have changed the underlying brutality of the offense, the factor that ultimately had the greatest significance in the sentence.

A separate order denying the Motion will be entered.

DATED this 2nd day of December, 2014.

BY THE COURT:

/s/
James K. Bredar
United States District Judge